

REMARKS

Claim Rejections

Claims 34, 38, 58-59 and 64 stand rejected as obvious over U.S. Patent Application Publication No. 2001/0055990 (Acres) in view of U.S. Patent Application Publication No. 2003/0130041 (Pascal et al.) and U.S. Patent No. 6,572,471 (Bennett).

Claims 35, 55-57 and 59 stand rejected as obvious over Acres and Pascal and Bennett in view of U.S. Patent No. 5,758,875 (Giacalone, Jr.). Two different grounds of rejection have been applied against claim 59. Clarification is requested.

Claims 60-63 stand rejected as obvious over Acres and Pascal and Bennett and Giacalone, Jr. in view of U.S. Patent No. 6,368,218 (Angell, Jr.).

Claim Amendments

Claims 68 and 69 have been added.

The Cited Art

Acres is directed to a method of configuring electronic gaming machines, such as slot machines or video poker machines, interconnected by a computer network. The behavior of each gaming machine is controlled by configuring selected parameters such as game speed, payback percentage or game appearance. The payback percentage may be changed by implementing a new pay table at a selected machine or machines or by implementing a bonus. (Abstract).

Pascal et al. is directed to a method and apparatus for allowing a number of players to participate simultaneously in a tournament using a plurality of networked gaming terminals. (¶0002). The method and apparatus were designed to make tournament play more available, simpler and less expensive. (¶0006).

Bennett is directed to a gaming system which includes a number of gaming machines 100g-100h which may be played as part of a tournament. The gaming machines are connected to a central or tournament controller 101 via a number of bank controllers 103. The gaming machines in each bank are also connected to a central display 106. The game results or the game progress may be displayed on the respective central displays 106. (Col. 6, lines 5-19).

In Bennett, when a tournament commences, all of the gaming machines participating display a common game which may also be displayed on the bank displays 106. The tournament controller 101 sends signals to the participating gaming machines and bank displays when a

tournament is about to commence, indicating they should display the tournament game screen at the end of the next game cycle. When all of the machines report that they have displayed the tournament screen, the tournament controller waits briefly to give the player on the last gaming machine to report in, time to realize that a tournament is about to commence and then a signal will be issued to commence the tournament. The participating gaming machines, when they receive this signal, will indicate to their respective players to commence playing and the players should then commence playing the tournament. (Col. 6, lines 25-40). The object of the tournament feature is for each eligible player to play directly against each other player in the tournament. Thus, when the tournament is triggered by the tournament controller 101 during play of the base slot game, the same feature game will be displayed on every participating gaming machine. (Col. 6, lines 46-50).

Giacalone, Jr. is directed to a gaming system that includes a dynamic rate controller 34. The rate controller is used to adjust the rate of game play. (Col. 3, lines 14-46).

Angell, Jr. is directed to a gaming system in which a plurality of players are each connected to a host which enables players to participate jointly in the same game of chance. (Abstract). The gaming system includes an auto play feature so that slower inattentive players do not stop the game. Specifically, a no-response timer causes an auto play feature which would continue the game for a player that is disconnected or stops responding. (Col. 4, lines 7-16).

Applicants' Claimed Invention Would Not Have Been Obvious

Three criteria must be met to establish obviousness. First, the prior art must provide one of ordinary skill in the art with a suggestion or motivation to modify or combine the teachings of the references relied upon in rejecting the claims. Second, the prior art must provide one of ordinary skill in the art with a reasonable expectation of success. Third, the prior art, either alone or in combination, must teach or suggest each and every limitation of the rejected claims. The teaching or suggestion to make the claimed invention, as well as the reasonable expectation of success, must come from the prior art and not from Applicants' disclosure. If any one of these criteria is not met, a case of obviousness is not established. Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

Claim 34 is directed to a method of tournament gaming. The method includes providing a plurality of gaming devices adapted for tournament play and configured to play at least one primary game of chance at variable rates of play. A tournament game is initiated on a gaming device in response to the occurrence of a qualifying outcome of the at least one primary game of chance.

The combination of Acres, Pascal et al. and Bennett does not result in Applicants' claimed invention. Thus, a *prima facie* case of obviousness has not been made out.

Specifically, in Bennett, a tournament is initiated on the gaming machines 100g-100h in response to a signal from the tournament controller 101. Bennett states: "The tournament controller 101 will send signals to the participating machines 100 and bank displays 106 when a tournament is about to commence indicating that they should display the tournament game screen... at the end of the next game cycle. When all of the machines report that they have displayed the tournament screen,... a signal will be issued to commence the tournament." (Col. 6, lines 27-37).

There is absolutely no disclosure in Bennett, or any of the other cited references, of initiating a tournament game of chance in a multi-player tournament in response to the occurrence of a qualifying outcome of at least one primary game of chance. Rather, in Bennett, the controller 101 decides, apparently arbitrarily, when to initiate tournament play. The initiation of tournament play does not occur in response to a qualifying outcome of Bennett's base slot game.

Moreover, it is respectfully submitted that impermissible hindsight has been used in making the obviousness rejections. That is, Applicants' specification has been used as a guide to cobble together the various references in an effort to show that Applicants' invention would have been obvious.

Therefore, for at least these reasons, Applicants' claimed invention as set out in claim 34 and its dependent claims would not have been obvious in view of Acres, Pascal et al. and Bennett. Additionally, it is respectfully submitted that the subject matter of newly-added claims 68 and 69 also would not have been obvious in view of this combination of these references, either alone or in combination with other references.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P482X1).

Dated: February 12, 2009

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